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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,344	01/18/2002	Stefan Nusser	SOM920010011US1	8691
23334	7590	12/21/2005	EXAMINER	
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			PERUNGAVOOR, VENKATANARAY	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/051,344	Applicant(s) NUSSER ET AL.	
	Examiner Venkatanarayanan Perungavoor	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 8-19, filed 12/5/2005, with respect to the rejection(s) of claim(s) 1-16 under 35 USC § 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent 6,915,425 B2 to Xu et al.(hereinafter Xu).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,915,425 B2 to Xu et al.(Xu)
4. Regarding Claim 1,15,19, Xu discloses the list identifying the first digital property rights module and second digital property right s module see Col 5 Ln 14-38; identifying extension rights control module and authorization for access to data set see Col 5 Ln 3-13 & Col 6 Ln 21-33; requesting the authorization for access

to data set see Col 5 Ln 9-20; receiving and granting, the authorization for extension rights control module if usage conditions for type of access is satisfied see Col 6 Ln 21-45.

5. Regarding Claim 2, 20, Xu discloses the authenticating the associated extension control module see Col 6 Ln 33-45.
6. Regarding Claim 3, 12, 21, Xu discloses the multi-media presentation, an audio program, a database and document data set see Col 3 Ln 27-39 & Fig. 1 item 102.
7. Regarding Claim 4, 13, 22, Xu discloses the right control module being installed prior to step of requesting see Col 4 Ln 30-39.
8. Regarding Claim 5, 14, 23, Xu discloses the control module located in at least one of the data set, a remote device and external Digital Property Right library see Fig. 1 item 102, Fig. 2 item 210, Fig. 3 item 318.
9. Regarding Claim 6, 24 Xu discloses the list identifying the first digital property rights module and second digital property rights module see Col 5 Ln 14-38; determining rights request is contained within extension rights control module and authorization for access to data set see Col 5 Ln 3-13 & Col 6 Ln 21-33;

requesting the authorization for access to data set see Col 5 Ln 9-20; receiving and granting, the authorization for extension rights control module if usage conditions for type of access is satisfied see Col 6 Ln 21-45.

10. Regarding Claim 7 and 8, 11, 16 and 17, 25 and 26, Xu discloses the validating of the list and module see Col 6 Ln 21-45.

11. Regarding Claim 9, 18, 27, Xu discloses the right being in XML see Col 6 Ln 13-20.

12. Regarding Claim 10, Xu discloses the list identifying the first digital property rights module and second digital property rights module see Col 5 Ln 14-38; determining rights request is contained within extension rights control module and authorization for access to data set see Col 5 Ln 3-13 & Col 6 Ln 21-33; requesting the authorization for access to data set see Col 5 Ln 9-20; receiving and granting, the authorization for extension rights control module if usage conditions for type of access is satisfied see Col 6 Ln 21-45.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the

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examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor
Examiner
Art Unit 2132

VP
12/16/2005

Gilberto Barron Jr.
GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
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